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Notice of Allowability	Application No.	Applicant(s)	
	10/028,242	ORR ET AL.	
	Examiner	Art Unit	
	Ha D. Ho	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/19/04.
2. ☒ The allowed claim(s) is/are 1-6 and 8-10.
3. ☒ The drawings filed on 28 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. This application is in condition for allowance except for the presence of claim 7 non-elected without traverse. Accordingly, claim 7 has been cancelled.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Schaldenbrand on 08/24/04.
4. During the interview, applicant agreed to amend claim 1 to clarify the scope of the invention. The application has been amended as follows:
 - Claim 1, line 5, "away from said opposing" have been changed to --toward said at least one spherical--.
 - Claim 7 has been canceled.
5. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for a differential casing defined by at least one spherical surface that has a center point, the differential casing comprising a chamber that has an axle centerline and a chamber center point, wherein the center point of the spherical surface is substantially collinear with the axle centerline and is offset from the chamber center point by an offset distance along the axle centerline in a direction toward the spherical surface as required by the limitations recited in claims 1, 3, 4 and 6.

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Examiner agrees with Applicant's arguments regarding claims 1, 3, 4 and 6. Even if combinable, the combination of Applicant Prior Art, Fig. 2 and Glaze'578 does not have all features of claims 1, 3, 4 and 6 because the resulting combination would have a differential casing that is wider in the rotational direction of the casing. The center point of a spherical surface defined by a side gear or the casing would be the same as the chamber center point of the casing because Glaze'578 does not disclose any embodiment that has a center point of a spherical surface defined by a side gear or the casing being different from the chamber center point of the casing. Applicant Prior Art, Fig. 2, is directed at a differential mechanism narrower in the rotational direction of the casing, which is away from the invention as claimed by Applicant.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is (703) 305-0738. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

HDH
(703) 305-0738
August 24, 2004


HA HO
PRIMARY EXAMINER

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8/24/04